

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
122 CRM-M-21249-2024
DATE OF DECISION: 30.04.2024

GURSEWAK SINGH

...PETITIONER

Versus

GURVIR SINGH

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dhiraj Jindal, Advocate for the petitioner(s).

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing of order dated 18.03.2024 (Annexure P-5) passed by Additional Sessions Judge, Sangrur to the extent vide which the petitioner was directed to deposit 20% of the total amount of compensation awarded by the Trial Court in the appeal which has been filed against the judgment dated 05.03.2024 passed by Judicial Magistrate First Class, Sunam, District Sangrur in complaint under Section 138 of NI Act.

Learned counsel for the petitioner contends that order dated 18.03.2024 vide which Additional Sessions Judge, Sangrur has ordered to deposit 20% of the total amount of compensation within sixty days is illegal especially in view of the fact that qua another co-accused namely Jasdeep Kaur, learned Additional Sessions Judge, Sangrur has ordered deposit of 20% of the half of the total compensation amount in order to grant suspension of sentence which makes total compensation as 30% in one complaint itself and this amount of 30% of compensation is directed as per provisions of 138 of the NI Act.

In light of the above, at this stage, learned counsel for the petitioner seeks liberty to move an application before the Additional Sessions Judge, Sangrur to make out a case of exception in the ratio laid down in ‘*Jambo Bhandari vs. M.P. State Industrial Development Corporation Ltd. and others, 2023 INSC 822*’.

Without advertng the merits of the petition, Additional Sessions Judge, Sangrur is directed to dispose of the application, if any so moved by the petitioner within one week from today on both issues i.e. 30% of the compensation amount as to how it has been ordered to be deposited and further to consider the case of the petitioner whether there is any exception in granting exemption from deposit on such amount of 20% of compensation.

Petition is disposed of in the above terms.

(SANDEEP MOUDGIL)
JUDGE

30.04.2024
anuradha

Whether speaking/reasoned Yes/No
Whether reportable Yes/No